

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

DUSTIN MICHAEL JONES

PLAINTIFF

v.

No. 5:16-CV-05299

JOHN DOE OFFICER OF THE CITY  
OF ROGERS, ARKANSAS; and BENTON  
COUNTY SHERIFF'S DEPARTMENT

DEFENDANTS

**ORDER**

The Court has received a report and recommendation (Doc. 10) from United States Magistrate Judge James R. Marschewski. A copy of the report and recommendation was mailed to Plaintiff on January 9, 2017, and that mail was returned undeliverable on January 17, 2017. On January 18, 2017 the Court updated Plaintiff's address to the Washington County Jail in Fayetteville, Arkansas, and sent a copy of the report and recommendation to Plaintiff at his new address. On February 8, 2017, the Court located Plaintiff on the online detainee roster maintained by the Washington County Sheriff's office.<sup>1</sup> That record reflects that Plaintiff was booked into Washington County Detention Center on December 30, 2016. While it is unclear whether Plaintiff ever received the order to show cause (Doc. 8), given the effort of Court personnel to track Plaintiff down, and the fact that Plaintiff presently resides at his last known address, it is likely Plaintiff has received a copy of the report and recommendation, which notifies him of the necessity of filing a timely written objection. The deadline for filing objections to the report and recommendation has passed, as has an additional, reasonable amount of time that would allow Plaintiff to receive a copy of the report at his new address and file any response. No objections have been filed.

The report and recommendation recommends that the Court dismiss this action without

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<sup>1</sup> See <https://www.co.washington.ar.us/index.aspx?page=108>.

prejudice for failure to prosecute. The report and recommendation cites numerous instances where Plaintiff has failed to respond to Court orders. While Plaintiff's frequent changes of address might have some bearing on his failure to respond to Court orders, he has not responded even to that mail which has reached him, and has not otherwise signaled his intent to pursue his action. After careful review, the Court finds that the report and recommendation is proper, and should be, and hereby is ADOPTED IN ITS ENTIRETY.

IT IS THEREFORE ORDERED that this action is DISMISSED WITHOUT PREJUDICE on the grounds that Plaintiff has failed to prosecute his action.

IT IS SO ORDERED this 8th day of February, 2017.

/s/ P. K. Holmes, III

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE